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Serial No. 09/838,424; Attorney Docket No. FR920000030US1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bauchot et al.**

Serial No.: **09/838,424**

Filed: **April 19, 2001**

For: **Method and System in an Electronic Spreadsheet for Handling User-Defined Options in a Copy/Cut-Paste Operation**

§ Group Art Unit: **2176**
§
§ Examiner: **Stevens, Robert**
§
§ Attorney Docket No.: **FR920000030US1**
§

50170
PATENT TRADEMARK OFFICE

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- Appellants' Brief (37 C.F.R. § 41.37)

A fee of $500.00 is required for filing an Appellants' Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,
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Docket No. FR920000030US1 *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bauchot et al.**	§	Group Art Unit: **2176**
Serial No. **09/838,424**	§	Examiner: **Stevens, Robert**
Filed: **April 19, 2001**	§	Customer No. **50170**
For: **Method and System in an Electronic Spreadsheet for Handling User-Defined Options in a Copy/Cut-Paste Operation**	§	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

APPELLANTS' BRIEF (37 C.F.R. § 41.37)

This Appeal Brief is in furtherance of the Notice of Appeal filed May 4, 2005 (37 C.F.R. § 41.31).

The fees required under § 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying Transmittal of Appeal Brief.

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I. Real Party in Interest

The real party in interest in this appeal is the following party: International Business Machines Corporation.

II. Related Appeals and Interferences

An Appeal Brief was filed in related and co-pending U.S. Patent Application Serial No. 09/838,420 on May 17, 2005 and U.S. Patent Application Serial No. 09/838,425 on May 24, 2005. The Appeal Briefs in 09/838,420 and 09/838,425 address similar issues with regard to some of the rejections as addressed in the present Appeal Brief. At the present time, however, no decision has been rendered in the Appeals of 09/838,420 or 09/838,425.

III. Status of Claims

The status of the claims involved in this proceeding is as follows:

1. Claims canceled: NONE
2. Claims withdrawing from consideration but not canceled: NONE
3. Claims pending: 1-9
4. Claims allowed: NONE
5. Claims rejected: 1-9

The claims on appeal are: 1-9

IV. Status of Amendments

An amendment after the Final Office Action was filed on March 23, 2005. The Advisory Action mailed April 8, 2005 indicates that the March 23, 2005 amendment will be entered for purposes of appeal. Thus, the status of the claims is as set forth in the amendment filed March 23, 2005.

V. Summary of Claimed Subject Matter

The present invention relates to the field of information processing by digital computers. More particularly, the present invention provides a mechanism, in an electronic spreadsheet, for handling user-defined options during a copy/cut – paste operation when the source range of cells comprises one or a plurality of cells with user-defined options and when the destination environment does not necessarily define the same user-defined options as the ones defined in the source environment (page 7, lines 1-8). The mechanism for handling user-defined options during a copy and paste or cut and paste operation includes operations of defining one or a plurality of combinations (see Figure 6), each combination comprising one or a plurality of options (elements 301 in Figure 3), defining a source cell range and a destination cell range (element 708 in Figure 7; element 803 in Figure 8), and defining an operation to execute, either copy and paste, or cut and paste (page 7, lines 8-15; element 803 in Figure 8).

For each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to the one or plurality of options, the content of each cell within the source cell range is computed according to the one or plurality of options (element 714 in Figure 7; element 804 in Figure 8), a version instance of the destination cell range is created (elements 721, 722 in Figure 7; element 805 in Figure 8), and the source range of cells is copied into the version instance (page 7, lines 15-24; elements 720, 721, 722 in Figure 7; element 805 in Figure 8). When the last option combination is copied, the source cell range is cleared if the operation is a cut and paste operation (page 7, lines 24-26; element 807 in Figure 8).

In one exemplary embodiment, each defined combination of options has a defined name (element 503 in Figure 5) and the version instance that is created is named with the defined combination name (page 7, lines 27-30; elements 721, 722 in Figure 7). In one exemplary embodiment, each option is defined as a Boolean variable that may be referenced in one or a plurality of cells (element 603 in Figure 6). In yet another embodiment, the content of each cell within the source cell range is computed according to one or plurality of options by activating the one or plurality of Boolean variables corresponding to the current option combination and determining the content of each said cell with the source cell range depending on whether said one or plurality of Boolean variables are activated or not (page 23, line 5 to page 26, line 7).

In another embodiment of the present invention, a computer system (100) is provided with means for defining one or a plurality of combinations (101 programmed with instructions from application 152, for example, via 102 and/or 107), each combination comprising one or a plurality of options, means for defining a source cell range and a destination cell range (101 programmed with instructions from application 152), and means for defining an operation to execute, either copy and paste, or cut and paste (101 programmed with instructions from 152). The computer system (100) further includes means (101) for computing the content of each cell within the source cell range according to said one or plurality of options, means (101 and 102 and/or 107) for creating a version instance of the destination cell range, and means (101 and 102 and/or 107) for copying the source range of cells into said version instance. Each of the options may be defined as a Boolean variable, which can be set as "True" or "False," and impact the content of a cell within an electronic spreadsheet

VI. Grounds of Rejection to be Reviewed on Appeal

The grounds of rejection to be reviewed on appeal are as follows:

(1) Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for allegedly failing to particular point out and distinctly claim the subject matter which Appellants regard as the invention;

(2) Claims 1-9 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter;

(3) Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kelly, Using Microsoft Excel 97, 3rd Edition, Que Corp., Indianapolis, IN, 1998, pages 138-144 and 154-189 in view of Ammirato et al. (U.S. Patent No. 6,438,565); and

(4) Claim 5 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kelly and Ammirato in view of Deitel et al., C++: How to Program, 2nd Edition, Prentice Hall, Upper Saddle River, NJ, 1994, pages 10, 106-110, 147, 243-244, 256-262, 448, 473-479, 483-485, 707-730, 981-987 and 1043-1045.

VII. Argument

A. Rejection of Claim 9 under 35 U.S.C. 112, Second Paragraph

The Final Office Action rejects claim 9 under 35 U.S.C. 112, second paragraph alleging that the term "computer useable medium" is indefinite because it is not defined in the specification. This rejection is respectfully traversed.

Appellants respectfully submit that the terms in the claims must be examined in light of the level of one of ordinary skill in the art and are not to be examined in a vacuum. Those of ordinary skill in the art are well aware of what a "computer-useable medium" or "computer readable medium" is and it is not necessary to provide a specific definition of this term in the specification for this term to be definite. As is known to those of ordinary skill in the art, a computer-useable medium or computer readable medium is any medium that is capable of carrying data and/or instructions that are readable by a computing device. Examples of such computer-useable medium include floppy disks, hard disks, magnetic tape, CD-ROMs, DVD-ROMs, carrier waves, transmission media, and the like. While this term may be broad, it is definite since one of ordinary skill in the art can clearly determine what types of media fall within the scope of the term "computer-useable medium."

In response to this argument, during a March 14, 2005 telephone interview with Examiners Stevens and Shah, the Examiners merely stated that the specification must include a definition of these terms in order for the use of these terms in the claims to be definite. The Examiners stated that the concern is with regard to whether such terms include transmission or carrier wave media.

Appellants respectfully submit that such a position completely disregards the level of one of ordinary skill in the art and instead examines the claims in a vacuum. This is clearly an erroneous approach to examination since it is stated in many places within the MPEP that the Examiner must examine the application in light of the level of skill of one of ordinary skill in the art. For example, Appellants have not defined what a "computer" is, what a "table" is, or what a "cell" of a spreadsheet is, yet one of ordinary skill in the art would understand the usage of these terms and the scope associated with these terms even though the Appellants have not presented a formal definition of these terms in the specification. The Examiner has not asserted that these

terms are indefinite because one of ordinary skill in the art understands what these terms mean and what their scope is. Similarly, the terms "computer readable medium" and "computer useable medium" are well known to those of ordinary skill in the art. The MPEP even uses such terms as exemplary of claim language directed to statutory subject matter.

Whether or not the terms "computer readable medium" or "computer useable medium" encompass carrier waves or transmission media is irrelevant to a determination as to whether the terms are definite or not. Such considerations are directed to the breadth of the claim language, not to the definiteness of the claim language. Moreover, nowhere in the MPEP is there any statement that claim language directed to carrier waves or transmission medium is indefinite or defines non-statutory subject matter. To the contrary, as mentioned above, the MPEP specifically uses this language as exemplary of claim language that would define statutory subject matter.

The Examiners stated that such language that encompasses carrier waves or transmission media is considered indefinite because carrier waves and transmission media are not physical elements. Appellants respectfully disagree. Carrier waves and transmission media are physical media. While they are not immediately perceivable by the human eye, they are physical. Moreover, there is no basis in the MPEP for holding terminology indefinite for lack of physicality. In addition, there is no statement anywhere in the MPEP to the effect that carrier waves or transmission media are non-statutory. To the contrary, as set forth herein below, the MPEP clearly states that functional descriptive material in a computer readable medium is statutory.

The MPEP does not differentiate between different types of computer readable media that are statutory and others that are not. To the contrary, the MPEP states that as long as the functional descriptive material is recorded on "some," i.e. any, computer readable media, it is statutory. The distinction between "physical" media and "non-physical" media by the Examiner is a completely subjective distinction made by the Examiner and is not based on the principles of examination set forth in the MPEP or applicable case law. Thus, the Examiner's basis for holding claim 9 indefinite is completely unfounded and should be overturned.

In view of the above, Appellants respectfully submit that claim 9 is not indefinite. Accordingly, Appellants respectfully request that the Board of Appeals and Interferences overturn the rejection of claim 9 under 35 U.S.C. § 112, second paragraph.

B. Rejection of Claims 1-9 under 35 U.S.C. 101

The Final Office Action rejects claims 1-9 under 35 U.S.C. 101 alleging that the claims are directed to non-statutory subject matter. This rejection is respectfully traversed.

It is noted that the Advisory Action mailed April 8, 2005 indicates that "some of the 101 rejections (not claim 9)" are overcome by the amendments to the claims set forth in the amendment after Final Office Action filed March 23, 2005. From this statement, it is Appellants' understanding that the only rejection under 35 U.S.C. § 101 still pending is the rejection of claim 9 while the other rejections of claims 1-8 under 35 U.S.C. § 101 have been withdrawn by the Examiner. Therefore, the following arguments will only address the 35 U.S.C. § 101 rejection as applied to claim 9. If Appellants' understanding of the Examiner's statement in the Advisory Action is incorrect, then Appellants respectfully submit that the rejection of claims 1-8 under 35 U.S.C. § 101 is traversed for the reasons set forth in Appellants March 23, 2005 amendment after Final Office Action.

Regarding claim 9, the Final Office Action alleges that this claim is directed to a "computer readable medium" which may encompass an intangible embodiment (such as a carrier wave or transmission media). Appellants respectfully submit that computer programs embodied in computer readable media have been held to be statutory and thus, the Final Office Action is in error. As stated in the MPEP at section 2106 (IV)(B)(1), "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." As an example, in *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) a claim to a data structure stored on a computer readable medium that increases computer efficiency was held to be statutory.

In the present case, claim 9 recites a computer-usable medium comprising computer readable instructions adapted for defining one or a plurality of combinations, each combination comprising one or a plurality of options, defining a source cell range and a destination cell range, defining an operation to execute, either copy and paste, or cut and paste, etc. (see claim 1). Thus, the present invention as recited in claim 9 is directed to a computer useable medium comprising instructions which permit the functions described in claim 1 to be realized. This is clearly directed to functional descriptive material embodied in a computer readable medium and thus, is

statutory in accordance with the MPEP and the applicable case law.

There is no requirement in the MPEP for the media to be tangible for a "computer readable medium" or "computer useable medium" claim to be statutory. Appellants respectfully submit that the Examiner is confusing the requirement of a "useful, concrete and tangible result" of the *State Street Bank* case (*State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F. 3d 1368, 1374, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998)) with a requirement that the media itself be "tangible." As stated above in *In re Lowry*, the use of technology permits the function of the descriptive material to be realized and thus, the computer readable or computer useable medium is therefore statutory. In the case of a carrier wave or transmission media, the use of a computer is still required in order for the function of the descriptive material to be realized. Thus, even though the media itself may not be "tangible," the result is still a computer readable media with which technology permits the function of the descriptive material on the computer readable media to be realized. Thus, a useful, concrete and tangible result is obtained even if the media itself may not be "tangible."

In response to these arguments, the Examiners, in the March 14, 2005 telephone interview, essentially made the same statements as addressed above with regard to the rejection under 35 U.S.C. § 112, second paragraph, i.e. that the terms "computer readable medium" and "computer useable medium" may encompass non-physical media and thus, would be non-statutory. As stated above, not only are carrier waves and transmission media physical, but there is no basis in the MPEP or case law to draw a distinction between different types of computer readable or computer useable media in determining whether a claim to such media is statutory. Moreover, when pressed to support such a position, the Examiners merely stated that the MPEP has been changed to not include the section, i.e. section 2106(IV)(B)(1), stating that computer readable media are statutory, and that "the case law was changing." As a result, the Examiners stated that they were going to stand by their rejection. Such a position is improper because (1) the MPEP has not, in fact, been changed and the applicable case law has not, in fact, changed; and (2) it makes Appellants have to respond to supposed case law and supposed MPEP text that is not yet in existence.

Appellants have checked their own MPEP and the MPEP available from the Patent Office website and have verified that MPEP section 2106(IV)(B)(1) has not been changed as of the time of the Final Office Action and the filing of this Brief, to eliminate the portion stating that

functional descriptive material in a computer readable medium is statutory. Nor are Appellants aware of any case law that overturns the holding in *In re Lowry*. Thus, despite the Examiners' assurances that "things are changing," they have not in fact changed and the Examiners must examine the claims based on the status of the MPEP and case law at the time of the examination, not what the MPEP and case law might say in the future. If the Examiners have a basis for their position, they must clearly state what it is with particularity, rather than relying on supposed changes that may or may not be made in the future.

In view of the above, Appellants respectfully submit that all of the claims are directed to statutory subject matter. Accordingly, Appellants request that the Board of Patent Appeals and Interferences overturn the rejection of claims 1-9 under 35 U.S.C. § 101.

C. Rejection of Claims 1-4 and 6-9 under 35 U.S.C. 103(a)

The Final Office Action rejects claims 1-4 and 6-9 under 35 U.S.C. 103(a) as being allegedly unpatentable over Kelly, Using Microsoft Excel 97, 3rd Edition, Que Corp., Indianapolis, IN, 1998 in view of Ammirato et al. (U.S. Patent No. 6,438,565). This rejection is respectfully traversed.

Claim 1, which is representative of the other rejected independent claims 8 and 9 with regard to similarly recited subject matter, reads as follows:

> 1. A method, implemented on a computer system, of handling user-defined options during a copy and paste or a cut and paste operation within a multi dimensional spreadsheet (200) comprising a plurality of cells identified by a cell address along each dimension, said method comprising the steps of:
>
> defining one or a plurality of combinations, each combination comprising one or a plurality of options;
>
> defining a source cell range and a destination cell range;
>
> defining an operation to execute, either copy and paste, or cut and paste;
>
> for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options,
>
> computing the content of each cell within the source cell range according to said one or plurality of options;
>
> creating a version instance of the destination cell range;
>
> copying the source range of cells into said version instance; and
>
> when the last option combination is copied, clearing the source cell range

> if the operation is cut and paste;
> wherein each of said options is defined as a Boolean variable, which can be set as "True" or "False," and impact the content of a cell within an electronic spreadsheet.
> (emphasis added)

Appellants respectfully submit that neither Kelly nor Ammirato teach or suggest the specific features recited in claim 1. Specifically, neither reference teaches or suggests the specific methodology recited in claim 1 including "defining one or a plurality of combinations, each combination comprising one or a plurality of options...for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options...computing the content of each cell within the source cell range according to said one or plurality of options; creating a version instance of the destination cell range; copying the source range of cells into said version instance..."

With the present invention, as recited in claim 1, when either a copy and paste operation or a cut and paste operation executes, for each defined combination of options, if a cell in the portion of the spreadsheet that is being copied and pasted, or cut and pasted, includes a reference to one or more options in the combination of options, then the following operations are performed: (1) the content of each cell within the source cell range is computed according to the one or more options, (2) a version instance of the destination cell range is created, and (3) the source range of cells is copied into the version instance. Neither reference teaches or suggests such functionality.

Kelly teaches the ability to copy and move ranges of cells in a spreadsheet and also that the spreadsheet application has a "drag-and-drop cell editing option" that may or may not be enabled. As acknowledged by the Final Office Action, this reference does not teach anything regarding defining combinations of options or, for each defined option combination, performing any of the other functions in claim 1.

Ammirato teaches the ability to manage scenarios in a spreadsheet. In Ammirato, the user may select a "capture window" and may then edit the values of cells in the "capture window" to generate a new scenario. The new scenario may then be stored in a scenario group along with a baseline scenario. Thus, Ammirato provides a mechanism for a user to select what cells he/she wants to edit, permits the user to edit them, and save the edited cells as a separate scenario. In contrast, the present invention, as recited in claim 1, defines a copy and paste or cut

and paste operation and, for each combination of options, if an option is referenced by a cell that is being copied, the content of cells that are being copied is computed with regard to the referenced option and is stored in a generated version instance.

Thus, with the present invention, the copy and paste or cut and paste operation instigates the checking of references in cells that are being copied to determine if they reference an option in one or more of a pre-established combination of options. If a cell that is being copied references an option in a combination of options, then the content of the cells being copied is computed with respect to that option and is stored in a version instance. With Ammirato, a user selects what cells to edit, edits them, and then stores them as a separate scenario. Nowhere in Ammirato is the specific set of operations recited in claim 1 taught or suggested. Nowhere in Ammirato is there ever any establishment of a combination of options. Nowhere in Ammirato is there ever any determination as to whether cells that are being copied reference one or more options in one or more combinations of options. Nowhere in Ammirato is there ever any computation of the content of cells that reference one or more options in one or more combinations of options, with respect to the one or more options. Nowhere in Ammirato is there the creation and storage of cell contents to version instances in response to a determination that cells that are being copied reference one or more options in one or more combinations of options.

The Final Office Action alleges that the features of claim 1 are taught by Ammirato simply because Ammirato teaches "Scenario Group Control" and "Group Options" in Figure 4A, and versions in Figure 5B. The "Scenario Group Control" (element 405) of Figure 4A provides an interface that permits a user to generate a new scenario group, name the scenario group, rename the scenario group, delete the scenario group, and define the capture area in the group options (element 410). These elements of Figure 4A do not define options that may be referenced by cells in the spreadsheet. In other words, if the "options" of Figure 4A are to be equated with the "combination of options" recited in claim 1, where is there any teaching or suggestion in Ammirato to determine, for each defined option combination comprising one or a plurality of options, if at least one cell in the source range comprises a reference to said one or plurality of options? The options in Figure 4A are merely there to help the user define the capture window, they are not options that may be referenced by cells of the spreadsheet and there is no teaching or suggestion in Ammirato that such options are to be referenced by cells or to perform operations based on whether a cell contains a reference to such an option.

Figure 5B merely shows that the user may edit the values in cells of a capture window in order to generate different scenarios 565-595. While this process may involve the user generating version instances, and storing the edited values in the version instances, these operations are not performed based on a determination that, for each defined option combination comprising one or a plurality of options, at least one cell in the source cell range comprises a reference to said one or plurality of options. In other words, the generation of versions in Ammirato is completely left up to the user. In the presently claimed invention, as recited in claim 1, the generation of versions is performed automatically upon the execution of a copy and paste or cut and paste operation and when it is determined that at least one cell in the set of cells being copied references one or more options in one or more pre-established combinations of options. Such functionality is not taught or suggested by Ammirato, despite the Final Office Action's allegations to the contrary.

In view of the above, Appellants respectfully submit that neither Kelly nor Ammirato, whether taken alone or in combination, teaches or suggests the features of independent claim 1 and the similar features found in claims 8 and 9. At least by virtue of their dependency on claim 1, neither Kelly nor Ammirato, either alone or in combination, teach or suggest the features of dependent claims 2-4 and 6-7. Accordingly, Appellants respectfully request that the Board of Patent Appeals and Interferences overturn the rejection of claims 1-4 and 6-9 under 35 U.S.C. 103(a).

In addition to the above, neither Kelly nor Ammirato, either alone or in combination, teach or suggest the specific features recited in each of dependent claims 2-4 and 6-7. For example, with regard to claim 2, neither the references or the alleged combination of references teach or suggest assigning a name for each defined combination of options or naming the version instance with the defined combination name. The Final Office Action admits that Kelly does not teach these features but alleges that these features are taught by Ammirato at Figure 4A, the element labeled "Group Name", and in Figure 5B, element 577 VER ID(1). While Ammirato allows a user to designate a group name for a sub-group of a set of scenarios (see column 8, lines 28-32), there is nothing in Ammirato that teaches or suggests naming a combination of options that may be referenced by cells of a spreadsheet. The "group" in Ammirato is a set of scenarios. The scenarios are merely copies of cells with different values stored in them. The "group" in Ammirato is not a collection of options that may be referenced by cells in a spreadsheet. Thus,

the name of a group in Ammirato is not the same as the name of a defined combination of options, as recited in claim 2.

Moreover, nowhere in Ammirato is there any teaching or suggestion to name a version instance with a defined combination name for a defined combination of options. The Examiner points to a Version ID variable in Figure 5B as allegedly teaching this feature. However, even if the VER ID(1) variable were the same as a name of a version instance, there is nothing in Ammirato to teach or suggest setting the VER ID(1) variable to a value equal to the name of a defined combination of options. Furthermore, even if the "Group Name" of Ammirato were considered to be equivalent to the "defined combination name" of claim 2, which it is not, there is no teaching or suggestion in Ammirato to set the VER ID(1) variable to a value equal to the "Group Name." Thus, despite the allegations in the Final Office Action, neither Kelly nor Ammirato, either alone or in combination, teach or suggest the features or claim 2.

Regarding claim 3, neither Kelly nor Ammirato, either alone or in combination, teach or suggest defining each option as a Boolean variable or referencing the one or plurality of Boolean variables in one or a plurality of cells. The Final Office Action alleges that this feature is taught by Kelly at 174-175 and in Figure 10.23. Appellants respectfully disagree.

On pages 174-175 and in Figure 10.23, Kelly teaches an "IF-THEN-OTHERWISE" function that is used to determine values for cells in a spreadsheet. The "IF-THEN-OTHERWISE" function operates in the following manner: IF a statement is true, THEN return a first value, OTHERWISE return a second value. This function in Kelly essentially states that if certain criteria are met, i.e. the statement is true, then a first value is returned, otherwise if the criteria are not met, then a second value is returned. Thus, the IF-THEN-OTHERWISE function of Kelly is merely a function to determine whether a cell will be given one value or another based on whether a condition is met. The IF-THEN-OTHERWISE <u>function</u> of Kelly is not a Boolean <u>variable</u>. In fact, the IF-THEN-OTHEWISE function of Kelly is not a variable at all. It is a <u>function</u> that operates based on values of other variables included in the function. This is evident in that Kelly states that the IF-THEN-OTHERWISE function may be nested within other functions. Variables are not nested within other variables and thus, the function of Kelly is not a Boolean variable.

Furthermore, one cannot simply "set" the values of the IF-THEN-OTHERWISE function of Kelly to one of two values, as with Boolean variables. To the contrary, the IF-THEN-

OTHERWISE function of Kelly must evaluate the criteria set forth in the IF-THEN-OTHERWISE function to determine if the criteria are met or not. If met, some first value is returned. If not met, some second value is returned. This is clear from the example shown in Figure 10.23 of Kelly where the IF-THEN-OTHERWISE function takes the form of "=IF(B10>90, "A", IF(B10>80),"B", IF(B10>70,"C", IF(B10>60,"D","F")))." One cannot simply set the value of this function to "A," "B," "C," "D" or any other value without deleting the function. This is because once the function is associated with the cell, it must be evaluated to determine the value of the cell. One cannot merely make the function have a certain value without modifying the variables within the function so as to achieve the desired value once the function is evaluated. Thus, the IF-THEN-OTHERWISE function of Kelly is not a Boolean variable, despite the allegations made by the Examiner in the Final Office Action.

Moreover, even if the IF-THEN-OTHERWISE function of Kelly were somehow found to be equivalent to the Boolean variable recited in claim 3, *arguendo*, there is no teaching or suggestion in Kelly to use such an IF-THEN-OTHERWISE function for each option in a plurality of options for one or more combinations of options or referencing the Boolean variables in one or more cells of the spreadsheet. To the contrary, Kelly only teaches that the IF-THEN-OTHERWISE function may be used in a cell to determine the value of the cell. There is no teaching or suggestion in Kelly regarding combinations of options or that such combinations of options include options that are Boolean variables. Thus, despite the allegations made in the Final Office Action, Kelly actually does not teach or suggest the features of claim 3, whether taken alone or in combination with Ammirato.

With regard to claim 4, neither reference, nor the alleged combination of references, teaches or suggests computing the content of each cell within the source cell range according to one or plurality of options by activating the one or plurality of Boolean variables corresponding to the current option combination and determining the content of each said cell with the source cell range depending on whether said one or plurality of Boolean variables are activated or not. The Final Office Action again points to pages 174-175 of Kelly and Figure 10.23 as allegedly teaching these features. Nowhere on pages 174-175 or in Figure 10.23 is there any teaching or suggestion regarding the activation of a Boolean variable. To the contrary, the IF-THE-OTHERWISE function described in these portions of Kelly is not activated or deactivated and there is no teaching or suggestion to determine the content of a cell based on whether the IF-

THEN-OTHERWISE function is activated or not. The IF-THEN-OTHERWISE function in Kelly is always evaluated to determine the content of the cell, no activation or deactivation is necessary. Thus, despite the allegations in the Final Office Action, Kelly actually does not teach or suggest the features of claim 4.

Claims 6 and 7 recite additional features which, when read in combination with the features of claim 1, are not taught or suggested by the references or the alleged combination of references. Thus, in addition to being dependent upon claim 1, claims 2-4 and 6-7 are also distinguished over the Kelly and Ammirato references by virtue of the specific features recited in these dependent claims. Accordingly, Appellants respectfully request that the Board of Patent Appeals and Interferences overturn the rejections of claims 2-4 and 6-7 under 35 U.S.C. § 103(a).

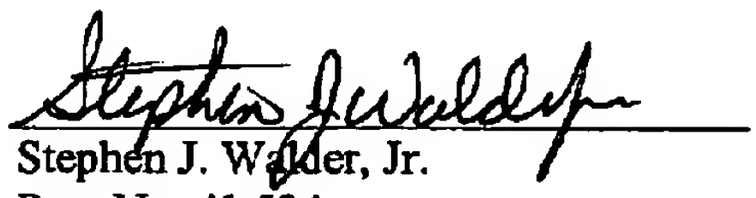
D. Rejection of Claim 5 under 35 U.S.C. 103(a)

The Final Office Action rejects claim 5 under 35 U.S.C. 103(a) as being allegedly unpatentable over Kelly in view of Ammirato and further in view of Deitel et al., C++: How To Program, 2nd Edition, Prentice Hall, Upper Saddle River, NJ, 1994. This rejection is respectfully traversed for at least the same reasons as stated above with regard to claim 1 from which claim 5 depends. That is, neither Kelly nor Ammirato, either alone or in combination, teach or suggest the features of claim 1, from which claim 5 depends. Moreover, Deitel does not provide for the deficiencies of Kelly and Ammirato discussed above and thus, any combination of Deitel with Kelly and Ammirato still does not result in the invention as recited in claim 1 being taught or suggested. Deitel is cited as teaching the setting of a "false" value to zero. Even if Deitel teaches such a feature, such a teaching does not provide the teachings that are deficient in Kelly and Ammirato discussed above. Accordingly, Appellants respectfully request that the Board of Patent Appeals and Interferences overturn the rejection of claim 5 under 35 U.S.C. 103(a).

VIII. Conclusion

In view of the above, Appellants respectfully submit that claims 1-9 of the present application are directed to statutory subject matter, are not indefinite, and that the features of these claims are not taught or suggested by the alleged combination of Kelly, Ammirato and Deitel references. Accordingly, Appellants request that the Board of Patent Appeals and Interferences overturn the rejections set forth in the Final Office Action.

Respectfully submitted,



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CLAIMS APPENDIX

1. A method, implemented on a computer system, of handling user-defined options during a copy and paste or a cut and paste operation within a multi dimensional spreadsheet (200) comprising a plurality of cells identified by a cell address along each dimension, said method comprising the steps of:

defining one or a plurality of combinations, each combination comprising one or a plurality of options;

defining a source cell range and a destination cell range;

defining an operation to execute, either copy and paste, or cut and paste;

for each defined option combination comprising one or a plurality of options, if at least one cell in the source cell range comprises a reference to said one or plurality of options,

computing the content of each cell within the source cell range according to said one or plurality of options;

creating a version instance of the destination cell range;

copying the source range of cells into said version instance; and

when the last option combination is copied, clearing the source cell range if the operation is cut and paste;

wherein each of said options is defined as a Boolean variable, which can be set as "True" or "False," and impact the content of a cell within an electronic spreadsheet.

2. The method according to claim 1 comprising the further steps of:

assigning a name for each defined combination of options; and

naming the version instance with the defined combination name.

3. The method according to claim 1 comprising the preliminary steps of:

defining each option as a Boolean variable;

referencing said one or plurality of Boolean variables in one or a plurality of cells.

4. The method according to claim 1 wherein said step of computing the content of each cell within the source cell range according to one or plurality of options, comprises the further steps of:

activating the one or plurality of Boolean variables corresponding to the current option combination; and

determining the content of each said cell with the source cell range depending on whether said one or plurality of Boolean variables are activated or not.

5. The method according to claim 1 comprising the further step of:

setting the value of the Boolean variable to one when the Boolean variable is activated, or

setting the value of the Boolean variable to zero when the Boolean variable is not activated.

6. The method according to claim 1 wherein one or more of said steps are executed by means of an interactive user interface.

7. The method according to claim 6 wherein said interactive user interface comprises:

a dialog box;

displayed on a screen (106);

of a computer system (100).

8. A computer system comprising:

means for defining one or a plurality of combinations, each combination comprising one or a plurality of options;

means for defining a source cell range and a destination cell range;

means for defining an operation to execute, either copy and paste, or cut and paste;

means for computing the content of each cell within the source cell range according to said one or plurality of options;

means for creating a version instance of the destination cell range; and

means for copying the source range of cells into said version instance;

wherein each of said options is defined as a Boolean variable, which can be set as "True" or "False," and impact the content of a cell within an electronic spreadsheet.

9. A computer-usable medium comprising computer readable instructions adapted for carrying out the method according to claim 1.

EVIDENCE APPENDIX

NONE

RELATED PROCEEDINGS APPENDIX

NONE